

REMARKS

The above Amendment and the following remarks are responsive to the Office Action dated September 16, 2003. The Applicant requests entry of this Amendment, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

Status of the Claims

Upon entry of this Amendment, claims 1, 5, 11, 15, 21–31, 35, and 41–42 have been rewritten. Thus, claims 1–42 are pending in the application. Claims 1, 11, 21, 31, and 41 are independent claims.

Response to the Objection to the Drawings

The Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include reference signs 132, 134, 135, and 136 of Figure 1D as described in the specification between page 15, line 21 and page 16, line 5. The Examiner also objected to the drawings because they do not include reference signs 110, 140, 142, 143, 144, 146, 150, 151, 152, 160, 165, 170, 171, 172, and 173 as used to designate features of the invention in the specification between page 24, line 1 and page 30, line 20, and between page 33, line 5, and page 44, line 9.

In response, the Applicants submit the substitute specification in a marked-up copy (Exhibit A) and a clean copy (Exhibit B). Paragraph 0046 of the marked-up copy of the substitute specification show the amendments to the specification that the Applicants believe are necessary to clarify the description of reference signs 132, 134, 135, and 136 of Figure 1D. Paragraphs 0057–0064 and 0068–0072 of the marked-up copy of the substitute specification show the amendments to the specification that the Applicants believe are necessary to clarify the description of reference signs 110, 140, 142, 143, 144, 146, 150, 151, 152, 160, 165, 170, 171,

172, and 173.

The amendments to the specification were necessary to correct typographical errors and do not introduce new matter. Thus, the Applicants believe that the Examiner should withdraw the objection to the drawings.

Response to the Objection to the Disclosure

The Examiner objected to the Applicants disclosure because the application data in the section titled "Cross-Reference to a Related Application" must be updated. The Examiner also objected to the Applicants disclosure because the drawings do not depict what is described in regard to reference numbers 110, 140, 142, 143, 144, 146, 150, 151, 152, 160, 165, 170, 171, 172, and 173 in the specification between (a) page 24, line 1 and page 30, line 20; and (b) page 33, line 5 and page 44, line 9. The Examiner also objected to the Applicants disclosure because as seen in Figures 1A, 1B, 1C, 1D, 1E, 1F, 1G, 2A, 2B, 2C, and 2D from the context of the specification between (a) page 9, line 8 and page 23, line 11; and (b) page 31, line 1 and page 33, line 3, reference numbers 110, 111, 112, 113, 117, 118, 120, 121, 122, 123, 124, 125, 126, 130, 131, 132, 133, 134, 135, 136, 140, 150, 170, 171, and 172 have been used to designate various features of the invention, however from the context of the specification between (a) page 24, line 1 and page 30, line 20; and (b) page 33, line 5 and page 44, line 9, reference numbers 110, 140, 150, 170, 171, and 172 have been used twice to designate different and distinct features of the invention while reference numbers 142, 143, 144, 146, 151, 152, 165, and 173 have been used to designate the same previously designated features of the invention multiple times.

In response, the Applicants submit the substitute specification in a marked-up copy (Exhibit A) and a clean copy (Exhibit B). Paragraph 0001 of the marked-up copy of the substitute specification show the amendments to the specification that the Applicants believe are

necessary to update the application data in the section titled "Cross-Reference to a Related Application". Paragraphs 0057–0064 and 0068–0072 of the marked-up copy of the substitute specification show the amendments to the specification that the Applicants believe are necessary to correct the description of reference numbers 110, 140, 142, 143, 144, 146, 150, 151, 152, 160, 165, 170, 171, 172, and 173.

The amendments to the specification were necessary to correct typographical errors and do not introduce new matter. Thus, the Applicants believe that the Examiner should withdraw the objection to the disclosure.

Correction of Minor Typographical Errors

Paragraphs 0050, 0053, and 0066 of the marked-up copy of the substitute specification show the amendments to the specification that the Applicants believe are necessary to correct minor typographical errors. Since these amendments to the specification merely correct typographical errors, the Applicants do not believe that the amendments constitute new matter.

Response to the Rejections under 35 U.S.C. § 101

The Examiner rejected claims 21–30, 41, and 42 under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter. The Applicants respectfully traverse this rejection.

Independent claims 21 and 41, as presently claimed, recite a computer program product comprising a computer useable medium having computer program logic recorded thereon for calculating a cost of receiving multicast data from a multicast session. Claims 21 and 41, as presently claimed, are directed to a computer program product associated with a computer useable medium having computer program logic that performs specific functions. The practical application of the computer program logic is to calculate a cost of receiving multicast data from a

multicast session. Thus, claims 21 and 41, as presently claimed, recite statutory subject matter. The Applicants respectfully submit that the Examiner should withdraw this rejection as to independent claims 21 and 41.

Claims 22–30 and 42 depend from either independent claim 21 or 41. For the previously stated reasons, independent claims 21 and 41 are allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw this rejection as to dependent claims 22–30 and 42.

Response to the Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1–6, 8–16, 18–26, 28–36, and 38–42 under 35 U.S.C. § 102(b) as being anticipated by Cramer et al., United States Patent Number 5,606,497 (hereinafter “Cramer”) or Isono, United States Patent Number 6,011,841 (hereinafter “Isono”). The Examiner also rejected claims 1–42 under 35 U.S.C. § 102(a) as being anticipated by Arai, United States Patent Application Serial Number 2002/0002470 (hereinafter “Arai”). The Examiner also rejected claims 1–6, 8–16, 18–26, 28–36, and 38–42 under 35 U.S.C. § 102(e) as being anticipated by Kondo, United States Patent Application Serial Number 2002/0062289 (hereinafter “Kondo”) or Lee, United States Patent Number 6,424,704 (hereinafter “Lee”). The Examiner also rejected claims 1–42 under 35 U.S.C. § 102(e) as being anticipated by Takatori et al., United States Patent Application Serial Number 2002/0077981 (hereinafter “Takatori”). The Applicants respectfully traverse these rejections.

CRAMER

Cramer discloses a method and apparatus for recording billable time and services. The disclosed invention is a portable data logging device that records, in real-time, the elapsed time associated with work for billable activities performed on behalf of a client by a service provider

or other professional. The portable data logging device stores relevant information as to the user, client, and activity along with an elapsed time in a form useful for producing time and billing information. The system communicates with a central billing computer over an appropriate two-way port.

ISONO

Isono discloses a communication service method and exchange system for notifying a terminating subscriber of an originating subscriber. The communication service provides a subscriber with incoming-call logging information, as well as a communication system for implementing the communication service. The communication service can furnish the user with incoming-call information (originating telephone numbers, terminating telephone numbers, communication times, communication conditions, duration of calls, etc.). The communication service can also furnish the user with a combination of highly sophisticated information (names and addresses of originating subscribers) and the incoming-call information. The communication service can also prohibit the user from receiving a combination of highly sophisticated information and the incoming-call information. The communication system can supply information to a user over a fixed period of time on a user-by-user basis.

ARAI

Arai discloses a charging control system and terminal. The charging control system determines a charging rate for communication involving access to a server based on the detected access concentration degree. Thus, the charging rate is changed in response to the access concentration degree to the accessed server. A message from the user terminal to the server contains information that indicates the maximum allowable charging rate.

KONDO

Kondo discloses a method and system for providing a user with an access to a network with a quality requested by the user while charging an access fee at a measured rate. Thus, the method provides a variable communication quality network access for a user. The method allows a user to request, at the time of starting a communication, a communication quality for a network access provider, such as an Internet Service Provider, who contracts with the user. The method receives from the user an ensuring request about a communication quality. The method starts to ensure the communication quality. When the method detects an end of a communication with the communication quality, the method charges the user an access fee based on the communication quality and a time interval between the start and the end of the communication.

LEE

Lee discloses a method for charging a subscriber in a telecommunication switching system for the communication service used by the subscriber. The method correctly charges the subscriber in a communication switching system for the call service even when the present reference time of the clock system is modified during the call service. For example, when the real time is changed due to daylight savings time, the clock system should be adjusted to reflect the change. If the change is made in the middle of call service when the subscriber is connected to the exchange system, the actual call time used by the subscriber can be measured without compensating for the time change when computing the service charge. As a result, a subscriber can experience over or under charges for the same call service.

TAKATORI

Takatori discloses a communication terminal device and billing device in a packet communication system. Communication carriers typically charge users of Internet connection

services based on the number of packets of data transmitted and received. Each packet includes control information (i.e., a source, a destination, etc.). If the packet size is reduced, the data transmitted and received is also reduced. Similarly, if the packet size is increased, the data transmitted and received is also increased. The disclosed system adjusts the size of the packet to make transmitting or receiving the packet as efficient as possible and thus reduces the data communication charges to the user.

PRESENTLY CLAIMED INVENTION

Independent claims 1, 11, 21, 31, and 41, as presently claimed, recite a method and apparatus for calculating a cost of receiving multicast data from a selected multicast session. The presently claimed method includes a multicast network that relies on a multicast protocol to establish and manage connections to the multicast sessions. By sending a request that includes a start time and a stop time for the connection, a recipient of multicast messages establishes a connection to the selected multicast session. When a selected multicast service that includes the selected multicast session receives a multicast message from a sender, the multicast protocol sends the multicast message to each multicast session associated with the selected multicast service. The calculation of the cost of receiving the multicast data occurs after the termination of the connection.

In contrast to the presently claimed invention, Cramer does not disclose that the request includes a start time for the connection and a stop time for the connection. Even if the first depressing of the time switch T (start) is regarded as a request, this request does not include the stop time for the connection. Cramer also does not explicitly disclose establishing or terminating a connection in association with starting and stopping an elapsed time clock. Furthermore, Cramer discloses coupling the billing computer to the device (CPU), but fails to disclose the

operation of the billing computer. Finally, Cramer does not disclose utilizing a network protocol that performs a function similar to the multicast protocol. Thus, Cramer does not anticipate the presently claimed method for calculating a cost of receiving multicast data from a selected multicast session. The Applicants respectfully submit that the Examiner should withdraw the rejections based on Cramer as to independent claims 1, 11, 21, 31, and 41.

In contrast to the presently claimed invention, Isono relates to a system that relies on the public switched telephone network or a relay network, not a system that relies on a multicast network. Finally, Isono does not disclose utilizing a network protocol that performs a function similar to the multicast protocol. Thus, Isono does not anticipate the presently claimed method for calculating a cost of receiving multicast data from a selected multicast session. The Applicants respectfully submit that the Examiner should withdraw the rejections based on Isono as to independent claims 1, 11, 21, 31, and 41.

In contrast to the presently claimed invention, Arai does not disclose that the request includes a start time and a stop time. Even if the message from the user terminal to the server is regarded as a request, this message does not include the start time for the connection and the stop time for the connection. Finally, Arai does not disclose utilizing a network protocol that performs a function similar to the multicast protocol. Thus, Arai does not anticipate the presently claimed method for calculating a cost of receiving multicast data from a selected multicast session. The Applicants respectfully submit that the Examiner should withdraw the rejections based on Arai as to independent claims 1, 11, 21, 31, and 41.

In contrast to the presently claimed invention, Kondo does not disclose that the request includes a start time and a stop time. Even if the ensuring request is regarded as a request, this ensuring request does not include the start time for the communication and the stop time for the

communication. Finally, Kondo does not disclose utilizing a network protocol that performs a function similar to the multicast protocol. Thus, Kondo does not anticipate the presently claimed method for calculating a cost of receiving multicast data from a selected multicast session. The Applicants respectfully submit that the Examiner should withdraw the rejections based on Kondo as to independent claims 1, 11, 21, 31, and 41.

In contrast to the presently claimed invention, Lee does not disclose a request to establish a connection that includes a start time and a stop time. Lee discloses that the start and stop times are registered, but does not disclose an explicit request for the communication. Finally, Lee does not disclose utilizing a network protocol that performs a function similar to the multicast protocol. Thus, Lee does not anticipate the presently claimed method for calculating a cost of receiving multicast data from a selected multicast session. The Applicants respectfully submit that the Examiner should withdraw the rejections based on Lee as to independent claims 1, 11, 21, 31, and 41.

In contrast to the presently claimed invention, Takatori does not disclose a request to establish a connection that includes a start time and a stop time. Even if Takatori is regarded as disclosing a request, this request does not include the start time for the communication and the stop time for the communication. Finally, Takatori does not disclose utilizing a network protocol that performs a function similar to the multicast protocol. Thus, Takatori does not anticipate the presently claimed method for calculating a cost of receiving multicast data from a selected multicast session. The Applicants respectfully submit that the Examiner should withdraw the rejections based on Takatori as to independent claims 1, 11, 21, 31, and 41.

Claims 2–10, 12–20, 22–30, 32–40, and 42 depend from either independent claim 1, 11, 21, 31, or 41. For the previously stated reasons, independent claims 1, 11, 21, 31, and 41 are

allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw these rejections as to dependent claims 2-10, 12-20, 22-30, 32-40, and 42.

Response to the Request for Prior Art Mentioned in the Specification

The Examiner requests that the Applicants supply a copy of the prior art mentioned in the specification between page 2, line 14 and page 3, line 2, between page 3, line 3 and page 3, line 7, and between page 24, line 18 and page 25, line 2. The Applicants will file an Information Disclosure Statement (IDS) as a separate paper.

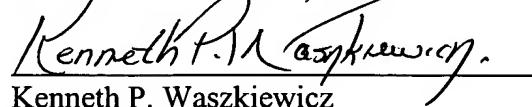
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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, including any extension of time, or credit any overpayment to Deposit Account No. 13-4500, Order Number 4208-4063.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Kenneth P. Waszkiewicz
Registration Number: 45,724

SENDER'S ADDRESS:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

202-857-7887 – phone
202-857-7929 – fax

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